Attorney Docket Number ET98-001   **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: the Application of: Jeffrey Conklin et al
Filed: 11/16/98
Serial No.: 09/192,735
Examiner:
Group Art Unit: 2785
For: System for Iterative, Multivariate Negotiations Over
a Network
Docket No: ET98-001

REQUEST FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL

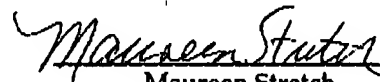Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Petitioner respectfully request reconsideration of its Petition to Make Special

Certificate of Facsimile Transmission

I hereby certify that this document is being sent to the United States Patent Office by facsimile
transmission on the date shown below.

Date:November 17, 1999

Maureen Stretch,
Reg. No. 29,447
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Tel. 508 653-8143   Natick, MA 01760

which was denied in a mailing sent on September 17, 1999. A copy of the decision

denying the petition is included herewith.

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Attorney Docket Number ET98-001   **PATENT**

In the decision denying the petition, it was stated that petitioner had not complied with all of 37C.F.R. §1.7(I), (b), requiring a statement that all claims are directed to a single invention or an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention, (c), a statement that a pre-examination search has been made by the inventor, attorney, agent, professional searcher, etc., and a listing of the field of search by class and subclass, (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) a detailed description of the submitted references and discussion pointing out how the claimed subject matter is distinguishable over these references.

In particular it was stated that the petition lacks requirement (c). Petitioner believed it had been in compliance with the materials sent in with the petition but now states again that it believes all claims are directed to a single invention or petitioner will make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention; a search was made on Petitioner's behalf by Petitioner's attorney. Copies of the references found were submitted with Petitioner's information disclosure statement and also included a detailed discussion of the submitted references and how the claimed subject matter is distinguishable. A copy of the earlier sent discussion is included in this facsimile.

In addition, it was stated that Petition had not provided a listing of the field of search by class and subclass. The fields of search by class and subclass in which references were

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found were:

> US CL 364/401
>
> US CL. 364/408
>
> US CI 380/23
>
> US CL 380/24
>
> US CL 380/25
>
> US CL 705/23
>
> US CL 705/27

Accordingly,Petitioner has included herewith a new copy of the page of the petition now including a listing of the above, together with a copy of the detailed discussion of the references cited which was submitted with the information disclosure statement.
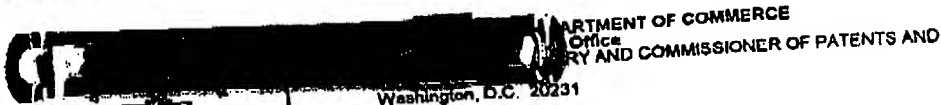
Consequently, petitioner believes that all requirements for the granting of a petition to make special have been met and respectfully requests that the petition be granted.

Date: November 17, 1999

Respectfully Submitted,

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26 Charles Street
Telephone: (508)-653-8143   Natick, MA 01760

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ARTMENT OF COMMERCE
Office
RY AND COMMISSIONER OF PATENTS AND

Washington, D.C. 20231

ET98-001

Paper No. 8

Maureen Stretch
26 Charles Street
Natick, MA 01760

Mailed

SEP 1 7 1999

Director's Office
Group 2700

In re Application of
Jeffrey Conklin, et al.
Application No.: 09/192,735
Filed: November 16, 1998
For: SYSTEM FOR ITERATIVE,
    MULTIVARIATE NEGOTIATIONS
    OVER A NETWORK

**DECISION ON PETITION
TO MAKE SPECIAL**

This is a decision on the petition to treat the above-identified application as special and advance the examination thereof, filed June 8, 1999, which is treated as a petition to make the above-identified application special under M.P.E.P. § 708.02(VIII).

A grantable petition to make special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P. § 708.02, Item VIII, must be accompanied by (a) the fee set forth in 37 C.F.R. § 1.17(I), (b) a statement that all claims are directed to a single invention or an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention, (c) a statement that a pre-examination search has been made by the inventor, attorney, agent, professional searcher, etc., and a listing of the field of search by class and subclass, (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) a detailed description of the submitted references and discussions pointing out how the claimed subject matter is distinguishable over these references.

The petition lacks requirement (c). Petitioner has not made a statement that all claims are directed to a single invention or an offer to make an oral election without traverse should the Patent Office find that the claims are not directed to a single invention. Additionally, petitioner states a search was made and that an Information Disclosure Statement was submitted, however, the petitioner does not provide a listing of the field of search by class and subclass. Further, there is no detailed description of the submitted references and discussions pointing out how the claimed subject matter is distinguishable over these references.

For the above stated reasons, the petition is **DENIED**.

Should applicant desire reconsideration, he or she should supplement this petition by including the information as outlined above. No further petition fee is required.

Any request for reconsideration must be filed within **TWO MONTHS** from the date of this decision.

The application is being forwarded to the Technology Center's Central Files and will await action in its regular turn.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2700
Communications & Information Processing
(703) 305-4710

Docketed MLS
Next Request for Reconsideration
SP 11/17/99
ESP 11/17/99

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Attorney Docket Number ET98-001   **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: the Application of: Jeffrey Conklin et al.
Filed: 11/16/98
Serial No.: 09/192,735
Examiner:
Group Art Unit: 2785
For: System for Iterative, Multivariate Negotiations
Over a Network
Docket Number: ET98-001

DISCUSSION OF REFERENCES CITED

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: PATENTS

Dear Sir:

With reference to the PTO Form 1449(Modified) of the attached Information

Disclosure Statement and Petition to Make Special, please note the following

discussion with respect to these items:

EXPRESS MAIL CERTIFICATE
Express Mail Label Number EJ342805886US Date of Deposit 6/8/99.
I hereby certify that this correspondence is being deposited with the United States Postal Service
"Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is
addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

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PATENT NUMBER	ISSUE DATE	PATEN-TEE	DISCUSSION
5,794,207	8/11/98	Walker et al	Walker discloses and claims a system for proposing a binding conditional purchase order (CPO) with several terms to potential sellers. One or more sellers can log onto a central site to review these buyer CPO's. A seller can accept one and form a contract. A seller also has the option to propose a counteroffer with different terms which the buyer can bind to or not. However, Walker does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller. Walker more closely resembles a bidding system with a limited counteroffer capability.
5,671,279	9/23/97	Elgamal	Elgamal discloses and claims a secure courier system for enabling payment over a public network. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
5,677,955	10/14/97	Doggett et al	Doggett discloses a method for handling the verification of electronic funds transfers. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.

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Attorney Docket Number ET98-001   **PATENT**

5,757,917	5/26/98	Rose et al	Rose discloses and claims a system for arranging for secure payments for goods purchased over a network. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over the terms between a buyer and seller.
5,253,165	10/12/93	Leiseca et al	Leiseca discloses and claims a computerized reservation and scheduling system. The basic system matches requested space and rates with available space and rates from transport providers. The system permits the parties to negotiate outside the system through email or telephone about space or services that may be available, but it does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
5,732,400	3/24/98	Mandler et al	Mandler discloses and claims a financial clearinghouse that allows a seller to assess the credit risks of potential buyers. If the seller finds the credit acceptable, the system in Mandler will transmit payments to the seller and invoices to the buyer. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over the terms between a buyer and seller.

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5,666,420	9/9/97	Micali	Micali discloses and claims secure ways to conduct simultaneous electronic transactions, such as a simultaneous exchange of funds. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
5,305,200	4/19/94	Hartheimer et al	Hartheimer discloses and claims a system for electronic recovery and rollback security for an automated trading system. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over the terms between a buyer and seller.
5,629,982	5/13/97	Micali	Micali discloses and claims additional secure ways to conduct simultaneous electronic transactions, such as a simultaneous exchange of funds. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
5,715,314	2/3/98	Payne et al	Payne describes a system for purchasing goods from an online catalog, but no negotiation of terms or prices is enabled. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.

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<div align="right">PATENT</div>

5,809,144	9/15/98	Sirbu et al	Sirbu is directed primarily to transactions involving digital goods, such as software or digitally encoded data, such as movies or books in encoded form. It allows iterative negotiation of price, but not of any other terms. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
5,802,497	9/1/98	Manasse	Manasse discloses and claims a method for conducting computerized electronic funds transfer using scrip, instead of currency. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
4,799,156	1/17/89	Shavit et al	Shavit describes a procurement function which allows a buyer to send out a request for quotation (RFQ) to a seller. The seller can send a bid, which the system will forward to the buyer. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.

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5,557,518	9/17/96	Rosen	Rosen discloses and claims a system for secure electronic funds transfer using trusted agents and secure network sessions. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.
5,790,677	8/4/98	Fox et al	Fox discloses and claims a system for secure commerce document transfers. It does not disclose or claim an iterative multivariate negotiations engine system with negotiations software that enables multiple iterations of bargaining over multiple terms between a buyer and seller.

Date:June 8, 1999

COPY

Respectfully submitted,

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Attorney's Docket Number ET98-001   **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffrey Conklin et al
Serial No.:   09/192,735   Group No.:   2785
Filed: 11/16/98   Examiner:
For: System for Iterative, Multivariate Negotiations Over a Network

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION TO MAKE SPECIAL FOR NEW APPLICATION
UNDER MPEP § 708.02, VIII

1. Petition

 Applicant hereby petitions to make this new application, which has not received
any examination by the Examiner, special.

2. Claims

(check and complete all applicable items (a) through (c))

(a) X   All the claims in this case are directed to a single invention.

(b) X   If the Office determines that all the claims presented are not obviously
          directed to a single invention, then applicant will make an election without
          traverse as a prerequisite to the grant of special status.

(c) __   If claim(s) _____are found not to be examinable in this case with claim(s)
          _____, then applicant hereby elects claim(s) ·_____ for the prosecution
          of this case.

Page 1 of 2

Attorney's Docket Number ET98-001   **PATENT**

3. Search

(check all applicable items (d) through (g)

A search has been made by

(d) __ the inventor

(e) X attorney

(f) __ professional searcher

(g) __ foreign patent office

in the following:

(h) __ field of search: _____
           class(es) _3 6 4_____ subclass(es) _40/, 408_
                        3 80   03, 24, 2 5
(i) __ publication: 705   8 3
(j) __ foreign patents: 7 05   8 7

Amended 11/17/99

(k) __ search by corresponding foreign patent office or at the former International
       Patent Institute at The Hague, Netherlands.

(l) X U.S. Patent Abstracts Online and Internet references

4. Copy of References

There is submitted herewith a copy of the references deemed most closely related
to the subject matter encompassed by the claims.
       X Also attached is form PTO-1449.

5. Detailed discussion of the references

There is submitted herewith a detailed discussion of the references, which
discussion particularly points out how the claimed subject matter is distinguishable
over the references.

NOTE: As to all other references not treated above, an information Disclosure Statement should be filed.

NOTE: Where there is an intention of overcoming one of the references by a declaration under 37 CFR 1.131
       the declaration must be submitted before the application is taken up for action, but in no event later
       than one month after the request for special status. MPEP § 708.02, VIII.

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      X Also attached is an Information Disclosure Statement.

6. Fee

The fee required by 37 CFR 1.17(i) is to be paid by

X the attached check includes the fee of $130.00
__ charging Account _____ the sum of $130.00. A duplicate of this
     petition is attached.

Maureen Stretch
SIGNATURE OF ATTORNEY

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                               Natick, MA 01760

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